IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 6624 of 2006
Date of decision : 12.12.2006

Parkash Dutta

.....Petitioner.

Versus

Ajay Bhatia & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.S.S. Dinarpur,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The petitioner has challenged an order passed by the learned Rent Controller, Panipat vide which the application moved by the petitioner under Section 10 of the C.P.C. for staying the proceedings has been dismissed.

The petitioner has moved the application under Section 10 of the C.P.C. on the ground that Municipal Committee, Panipat claiming to be the owner of the property has filed a suit for eviction of the petitioner under the Public Premises Act claiming the petitioner to be an unauthorised occupant of the property and, therefore, the present ejectment petition was liable to be stayed. The learned Rent Controller came to the conclusion that in the present case no dispute regarding relationship of landlord and tenant and the subject matter in both the suits was not the same and, therefore, the application moved by the petitioner could not be stayed. The finding of the learned trial Court is correct as the matter involved in the present suit and

the suit is not inter se between the parties nor the subject matter can be said to be same and, therefore, the application was rightly rejected.

There is no error in exercise of revisional jurisdiction by the learned Court below which may call for interference by this Court.

Dismissed.

12.12.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**